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*Attorney for Defendants*

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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INTELLIGENT PAYMENTS, LLC,

Plaintiff,

v.

REVPROTECT, INC. aka REVPROTECT,  
LLC; JASON TAYLOR; JANA TAYLOR;  
AND DOES 1-10,

Defendants.

**AFFIDAVIT OF MARK L.  
SHURTLEFF IN SUPPORT OF  
DEFENDANTS' RESPONSE TO  
ORDER TO SHOW CAUSE**

Case No. 2:15-cv-00410

Judge: Dale A. Kimball

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I, Mark L. Shurtleff, declare under penalty of perjury pursuant to 28 U.S.C. Section 1746 that the following is true and correct.

1. I am the attorney for Defendants Jana Taylor and RevProtect in this action.
2. I have personal knowledge of the facts asserted herein through representation of Defendants, including Jason Taylor here and in other federal matters, or I have otherwise obtained information from the official dockets of United States District Courts in Utah and Georgia,
3. Plaintiff filed the original Complaint against Defendants on June 10, 2015.
4. A year passed, and due to no inaction or delays by Defendants, on June 2, 2016, Magistrate Judge Dustin Pead ordered Plaintiff to file an amended complaint that

“identifies and properly alleges the citizenship of all of Intelligent Payments, LLC’s, members.”

5. Plaintiff filed an Amended Complaint on June 17, 2016 but did not attempt service on Defendants Jana Taylor and RevProtect until October 8, 2016. Plaintiff did not file Proof of Service with this Court until January 10, 2017.

6. From May through December 2016, Defendant Jason Taylor was consumed with defending himself and negotiating a plea agreement with the United States in federal criminal Case No. 2:14-cr-00137. The allegations in that case are unrelated to this action. Defendant Jana Taylor was equally consumed with supporting and assisting her husband, caring for their children and assisting her husband with the complications of serious medical conditions – all of which are documented in that federal criminal proceeding. Defendant Jason Taylor entered a guilty plea on July 22, 2016, and Forfeiture Order of \$599,961.14 was entered on September 9, 2016.

7. I was retained by Defendants and filed an Appearance in this matter on October 28, 2016.

8. On November 1, 2016, the Court entered Notice of ADR, Notice of Initial Scheduling and Notice of Magistrate Assignment. On November 16, 2016, the case was reassigned to District Judge Dale Kimball.

9. On November 15, 2016, Plaintiff’s counsel granted Defendants Jana Taylor and RevProtect, LLC an extension through November 21, 2016 to plead or otherwise defend in response to the Amended Complaint. However, based primarily on the facts enumerated here, Defendants did not respond.

10. On November 16, 2016, Defendant Jason Taylor was sentenced to forty months in prison in Case No. 2:14-cr-00137. Final Judgment was entered on December 1, 2016. He was ordered to surrender to U.S. Marshalls on January 27, 2016 for transport to a federal correctional facility in Colorado.

11. On January 11, 2017, an Initial Pretrial Conference was held in this matter.

12. On January 15, 2017, Jason Taylor was arrested at his home and incarcerated on additional criminal charges. He has been continuously incarcerated since that date and is currently serving time at FCI Terminal Island.

13. On January 18, 2017, Jason Taylor was indicted by a Federal Grand Jury on charges related to his duty to self-surrender to begin his forty-month prison sentence.

14. On January 26, 2017, Defendants Jana Taylor and RevProtect filed Motions to Quash service and for Judgment on the Pleadings.

15. On April 11, 2017, Jason Taylor pled guilty in Case No. 2:17-cr-00042 to Contempt of Court and Unlawful Use of a Means of Identification and was sentenced to twelve months to be served consecutive to the forty months he had already begun serving on the prior conviction.

16. On April 25, 2017, this Court heard oral argument on Jana Taylor's and RevProtect's Motions to Quash and to Dismiss, and on May 6, 2017, the Court entered an Order denying those Motions and ordering Defendants to respond to the Amended Complaint within fourteen day (May 20, 2017.) Defendants have not yet responded.

17. Just four days after the entry of the Order denying the Motions, on May 10, 2017 Defendant Jason Taylor was suddenly transported out of Salt Lake County

Metropolitan jail without notification to Defendant Jana Taylor. For the next two weeks, Ms. Taylor was consumed with trying to find where her husband was. It wasn't until May 24 that she was able to find out with my help, that her husband was at FCI Terminal Island after weeks in transit and in temporary holding facilities. Communications are substantially limited by Mr. Taylor's incarceration and as a single mother, Mrs. Taylor's free time has been significantly reduced.

18. In paragraph 38 of the Amended Complaint, Plaintiff falsely avers that it is being sued in the Northern District of Georgia by Global Payments Direct (case no. 1:14-CV-02634-LMM) and that the \$1.9 million Global was suing it for was attributable to excessive chargebacks caused by Defendant. See Docket Number 45 in that case (Attached hereto as Exhibit A) which establishes that on February 22, 2016 – four months before the Amended Complaint was filed herein - the District Court in Georgia dismissed with prejudice Global Payments' action against Plaintiff here (on Global's own motion.). Plaintiff had filed a Third Party Complaint in that action alleging similar causes of action as alleged against Defendants here. That case continues after the District Court let Intelligent Payments proceed with the case after delays and its response to the Court's Order to Show Cause why the Third-Party Complaint shouldn't be dismissed for failure to prosecute.

EXECUTED this 15<sup>th</sup> Day of September, 2017.

/s/ Mark L. Shurtleff  
MARK L. SHURTLEFF  
Attorney for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on the 15<sup>th</sup> Day of September, 2017, a true and correct copy of the forgoing AFFIDAVIT OF MARK L. SHURTLEFF IN SUPPORT OF DEFENDANTS' RESPONSE TO ORDER TO SHOW CAUSE was electronically filed with the Clerk of Court using the CM/ECF Pacer system, which sent notification of such filing to:

Grant M. Sumsion  
Daniel L. Steele  
SUMSION STEELE &  
CRANDALL  
3400 N Ashton Blvc. Ste. 490  
Lehi, UT 84043

/s/ Mark L. Shurtleff  
Mark L. Shurtleff